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PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
NB-DRY-1

First named inventor: BACON

Application No.: 10/658,820

Art Unit: 1771

Filed: SEPTEMBER 8, 2003

Examiner:

Title: BUILDING MATERIALS MADE FROM NEEDLE-PUNCHED FIBER MATS WITH GRANULAR HEAT-ACTIVATED ADHESIVES

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of ABSTRACT (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Patrick D. Kelly
Signature

17 APRIL 2006

Date

Patrick D. Kelly

Typed or printed name

30,650

Registration Number, if applicable

11939 Manchester #403

Address

314-822-8558

Telephone Number

St. Louis, MO 63131

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: ABSTRACT

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

17 APRIL 2006

Date

Patrick D. Kelly
Signature

Patrick D. Kelly

Typed or printed name of person signing certificate



Docket No. NB-DRY-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of BACON)
Serial No. 10/658,820) Examiner:
Filed September 8, 2003) Art Unit: 1771

Title: **BUILDING MATERIALS FROM NEEDLE-PUNCHED FIBER MATS
WITH GRANULAR HEAT-ACTIVATED ADHESIVES**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 17, 2006.

Name of Registered Representative: Patrick D. Kelly

Signature: Patrick D. Kelly

Date: 17 April 2006

STATEMENT EXPLAINING UNINTENTIONAL DELAY

MS PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This statement is to explain the unintentional delay in submitting an abstract in the above-cited application.

A first response to a Notice of Incomplete Filing, containing inventor-signed forms, was submitted in a timely manner, in reply to a Notice to File Missing Parts that was mailed on December 1, 2003. The undersigned attorney, while focusing on getting and then submitting the fully-signed form, failed to notice that the 12/1/03 notice also mentioned that an abstract needed to be supplied.

Subsequently, when a Notice of Incomplete Reply was sent on 4/16/2004, it apparently was not recognized as being such, and was incorrectly placed into the file of the application, without

being docketed and without any action being taken.

Neither my part-time secretary nor I have any recollection or record (such as a docket entry) of ever receiving a Notice of Abandonment. If it was received, it apparently was misfiled. Along those lines, please be advised that I'm a sole practitioner, and during that span of time, I was struggling with both an extraordinarily heavy workload, and the aftermath of a major fire that caused more than \$50,000 damage in my home and office, and which caused not just one but a series of computer malfunctions over a span of time that lasted for months.

Recently, during a review of the entire patent portfolio for the company and the line of products that are involved, a question was raised as to the status of this particular application. When I looked into its status, I realized it had become abandoned. Therefore, I am now filing the enclosed petition to revive.

The client-inventor remains actively interested in this application, and nothing has been done either by the inventor or by me to intentionally delay the prosecution of this application. The two oversights I made (in failing to include an abstract when the inventor-signed forms were submitted, and then in failing to recognize that a second notice of incomplete filing was different from the first notice) were both entirely unintentional.

If any questions arise, please contact the undersigned at 314-822-8558.

Respectfully submitted,

A handwritten signature in black ink, reading "Patrick D. Kelly". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Patrick D. Kelly
Attorney for Applicant
11939 Manchester #403
St. Louis, MO 63131